

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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GINA TITO,
on behalf of herself and
all others similarly situated,

Plaintiff

v.

RUBIN & ROTHMAN, LLC and
KEITH ROTHMAN, ESQ.

Defendants.

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DECLARATION OF PETER T. LANE, ESQ.

PETER T. LANE, ESQ. hereby declares, pursuant to 28 U.S.C. § 1746, that the following facts are truthful:

1. I am an attorney duly admitted to practice law in the State of New York, in the United States District Courts for the Southern and Eastern Districts of New York, in the United States Bankruptcy Courts for the Southern and Eastern Districts of New York, and in the Commonwealth of Massachusetts. I am an associate at Schlanger & Schlanger, LLP, counsel for Gina Tito in the instant lawsuit, commenced under the Fair Debt Collection Practices Act (FDCPA) and New York's Judiciary Law § 487.
2. I make this Affirmation in support of Plaintiff's petition to the court to determine the costs and reasonable attorney's fees in this action.
3. I am a 2008 graduate of Brooklyn Law School.
4. For thirteen years prior to law school, I worked in various capacities at the Legal Aid Society of New York City as follows:

- a. From 1995-1996, I was employed as a forensic social work assistant interviewing criminal defendant clients and their families and preparing pre-pleading/sentencing reports and advocating in Court for alternatives to incarceration.
 - b. From 1996-2005, I was the Investigative Projects Director for the Criminal Defense Practice conducting field investigations and providing trial support and testimony on felony matters. In this capacity I also hired, trained and supervised college and law student interns and provided training to staff attorneys and investigators on investigation technology and software.
 - c. From 2005-2008 I was the Society-wide Recruitment Administrator overseeing the hiring and training of over 200 college and law student interns on an annual basis.
5. Following law school I completed a post graduate fellowship at the Office of the Attorney General for the State of New York during the Fall of 2008.
6. Following my fellowship, I worked from December 2008 through March 2009 on a freelance basis for Barnum & Reyes, P.C. a family law and criminal practice, and for Bromberg Law Office, P.C., a consumer litigation practice based in Manhattan.
7. From April 2009 through August 2010, I worked as an associate at Bromberg Law Office, PC, focusing exclusively on federal and state consumer litigation, including many FDCPA cases.
8. Since September 2010, I have worked as an associate in Schlanger & Schlanger LLP's consumer protection practice.
9. I am a member of the National Association of Consumer Advocates.
10. Since 2011, I have been a volunteer with Civil Legal Advice and Resource Office ("CLARO"), a limited-scope legal advice project for unrepresented

consumers. CLARO operates under the auspices of and with the support of the New York State Access to Justice Programs. I serve as one of the consumer law experts for CLARO.

11. I served in Fall 2012 as a panelist on a CLE training for volunteer CLARO attorneys.

12. I have litigated numerous consumer cases in federal court including the following:

- a. Quijano v. Lee's Motors, et al, 12cv6156 Eastern District of New York
- b. Janet San Antonio v. Northern Auto Traders, LLC, . 11cv1415 Eastern District of New York
- c. Carolee Dempsey v. Navy Federal Credit Union, 11cv166 Eastern District of New York
- d. Aja Trinidad v. David J. Gold, P.C., 11cv01744 Eastern District of New York
- e. Chase v. Richard D. Sokoloff, Esq., 11cv3213 Eastern District of New York
- f. Batista v. Goldman & Warshaw, P.C., 11cv8641 Southern District of New York
- g. Voltaire v. Houslanger & Associates, PLLC, 11cv4914 Eastern District of New York
- h. Capik v. Eltman, Eltman & Cooper, P.C., et al, 12cv46 Eastern District of New York
- i. Craig Young v. NCO Financial Systems, Inc., 12cv1757 Eastern District of New York
- j. Jennifer Dewey v. Midland Credit Management, Inc., 10cv7857 Southern District of New York
- k. Phil Leach v. Eltman, Eltman & Cooper, PC, 10cv7492 Southern District of New York

13. I have also worked collaboratively with Daniel Schlanger, Esq. on the majority of federal cases commenced after September 2010 set forth in his Declaration submitted in support of the instant motion.

14. The state court case in which I have represented consumers include the following:

- a. Capital One Auto Finance v. Hermelina Paz, . 31114-2010 Supreme Court of the State of New York, Westchester County
- b. Capital One Bank, N.A. v. Eileen Ferretti, 55408-2012 Supreme Court of the State of New York, Westchester County
- c. FIA Card Services, NA v. Letty L. Batista, 1268-2009 Supreme Court of the state of New York, Westchester County
- d. Asset Acceptance, LLC v. Christopher Webster, 21458-2008 Supreme Court of the State of New York State, Westchester County
- e. Metro Portfolios, Inc. v. Piyanate Manewan, 5269-2008 Supreme Court of the State of New York, Rockland County
- f. Arrowood Indemnity Co. v. Sergey Terushkin, 113827-2010 Supreme Court of the State of New York, New York County
- g. American Express Centurion Bank v. Dmitri Alimov, 103512-2007 Supreme Court of the State of New York, New York County
- h. Portfolio Recovery Associates, LLC v. Margot Shnayerson, 4681-2012 Supreme Court of the State of New York, Columbia County
- i. American Express Bank FSB v. Evelyn Santiago, 689-2011 District Court of New York, Suffolk County
- j. Kenneth Barton v. Jessica McGowin, 49160-2010 Civil Court of the City of New York, New York County
- k. Great Seneca Financial Corp. v. Laura Kopp, 45782-2004 Civil Court of the City of New York, New York County
- l. Portfolio Recoveries v. Luis Valbuena, 18151-2010 Civil Court of the City of New York, Queens County
- m. Tribeca Asset Management, LLC v. Luis Valbuena, 52220-2010 Civil Court of the City of New York, Queens County
- n. ErinCapital Management, LLC v. Jeffrey Moy, 56142-2007 Civil Court of the City of New York, New York County
- o. Capital One Bank, N.A. v. Natalia Hladun, 6482-2012 Civil Court of the City of New York, Richmond County
- p. Discover Bank v. Fern Barbara Siegelstein, 32836-2002 Civil Court of the City of New York, New York County
- q. LR Credit 12, LLC v. Siegelstein and Camenson, 25557-2007 Civil Court of the City of New York, New York County
- r. LR Credit 11, LLC v. Goldman and Brownell, 7074-07 Civil Court of the City of New York, New York County
- s. Midland Funding, LLC v. Desiree Guishard, 42401-2007 Civil Court of the City of New York, Bronx County
- t. Erin Capital Management, LLC v. Desiree Guishard, 51853-2005 Civil Court of the City of New York, Bronx County

- u. FCC National Bank v. Gilbert Pabon, 13907-1996 Civil Court of the City of New York, Bronx County
- v. First Select, Inc. v. Donna Fiumano, 8930-2001 Civil Court of the City of New York, New York County
- w. NCO Attorney Network, AAO MBNA v. Edwin Diaz, 34900-2004 Civil Court of the City of New York, Kings County
- x. Pinpoint Technologies Too, LLC v. Emily R Morris, 80251-2008 Civil Court of the City of New York, Queens County
- y. Ocean Spine & Joint Medical Care, PC v. Florence Ribaudo, 5961-2011 First District Court of the State of New York, Nassau County
- z. Midland Funding, LLC v. Robert Lawton, 64745-2007 Civil Court of the City of New York, New York County
- aa. Erin Capital Management, LLC v. Robert A. Lawton, 31912-2005 Civil Court of the City of New York, New York County
- bb. Midland Funding, LLC v. Saliha Madden, 361-2011 City Court of the City of White Plains, Westchester County

15. I have also represented consumers in bankruptcy proceedings and in arbitration, including:

- a. In re: Michael Britton, 11-BK 41181
Eastern District of New York (a Chapter 13 proceeding)
- b. In re Randall Schaefer, 12-BK 12714
Southern District of New York (a Chapter 7 proceeding)
- c. Randy K. Thompson v. Rallye Motors, LLC,
JAMS Reference No. 1425008642 (arbitration)

16. In addition to the cases I have litigated, I have successfully negotiated settlements of numerous disputes for consumers without litigations.

17. In Ramiro Hernandez v. Erin Capital Management, LLC, 10 CV 1695, , a case litigated by both Daniel Schlanger and me, I was awarded fees at \$225 per hour by the United States District Court for the Central District of California for work performed in 2010 and 2011.

18. In James Healy v. Enterprise Recovery Systems, 11 CV 3295, the Federal Court in the Southern District of New York awarded me fees at the rate of \$250/hour for work performed in 2011.

19. Plaintiff seeks attorney's fees for my work at the following rates: \$300 per hour. I am currently billed by Schlanger & Schlanger, LLP at a regular rate of \$300 per hour on non-contingent matters

20. For all of the reasons set forth above, I believe that \$300 is a reasonable hourly billing rate and ask that the Court award my time as set forth in the contemporaneous billing records attached to the Declaration of Daniel A. Schlanger, Esq.

21. I declare under the penalties of perjury that the foregoing Declaration is true and accurate to the best of my knowledge and belief.

Dated: June 6, 2013
New York, New York

Respectfully Submitted,

/s/ Peter T. Lane
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